

UNITED STATES OF AMERICA))
DISTRICT OF OREGON))
AFFIDAVIT OF NATHAN MILLER

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Nathan Miller, being first duly sworn, do hereby depose and say:

Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been since July 2014. My current assignment is to the Portland, Oregon Field Office. My training includes twenty-seven (27) weeks of Criminal Investigator and ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. As a Special Agent with ATF, part of my duties and responsibilities include conducting criminal investigations for possible violations of federal firearms, explosives, and arson laws.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Terrance Zabeyun Greely. The arrest warrant is requested for unlawful possession of machinegun not registered in the National Firearms Registration and Transfer in violation of 26 U.S.C. § 5861(d).

Applicable Laws

3. 26 U.S.C. § 5861(d): Unlawful to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.

Definitions

4. The National Firearms Act (NFA), Title 26 U.S. Code § 5845(b) defines a machinegun as any weapon that shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in possession or under control of a person.

5. ATF defines a Glock conversion device – commonly referred to as “Glock Switch” or “Glock Auto Sear” – is a part intended solely and exclusively, or combination of parts, designed and intended for use in converting a semi-automatic Glock pistol into a machinegun; therefore, it is a “machinegun” as defined in 26 U.S.C. § 5845(b). ATF is not aware of any Glock conversion devices that were developed before May 19, 1986. As such, all Glock conversion devices are considered post-1986 machineguns. Therefore, these devices may only be lawfully possessed by properly licensed Federal Firearms Licensees who have paid the appropriate Special Occupational Tax (SOT) required of those manufacturing, importing, or dealing in National Firearms Act (NFA) firearms. Therefore, these devices may not be transferred or possessed under 18 U.S.C. § 922(o), with limited exceptions as prescribed by 27 C.F.R. 479.105 for Federal firearms licensees who have paid the appropriate Special Occupational Tax (SOT) required to manufacture, import or deal in National Firearms Act firearms.

Statement of Probable Cause

6. The following information, facts, and occurrences are the result of my knowledge, an ongoing investigation, conversations with other law enforcement officers, and from my review of reports related to this investigation. This affidavit is intended to show there is probable cause for the requested criminal complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into this matter.

Arrest of Terrance Greely

7. On September 5, 2021, Portland Police Bureau (PPB) responded to a domestic violence call where the victim, Adult Female Victim 1 (AFV1) (DOB: XX/XX/2000), stated her ex-boyfriend, Terrance Zabeyun Greely (DOB: XX/XX 2000) had punched her in the face, strangled her, and displayed a firearm.¹ AFV1 reported Greely fled in a vehicle.

8. AFV1 was interviewed by PPB Officers and stated the following. Greely arrived at AFV1's residence at approximately 0500 hours. AFV1 stated Greely wanted to cuddle and possibly initiate sex. AFV1 told Greely she was not interested and told Greely to leave. Greely subsequently took out a black pistol with an extended magazine and set it down next to him. AFV1 stated she was afraid Greely was going to murder her. AFV1 stated she took a photo of Greely and told him she would send it to his current girlfriend. Greely punched AFV1 in the face and choked her. Greely took AFV1's phone, deleted the photo, picked up his gun, and left the house. AFV1 informed the officers that Greely was likely headed back to his house and frequently drives a silver Audi sedan and a silver Mercedes sedan.

9. PPB responded to Greely's known address, 9110 NE Hassalo St. Portland, Oregon. Officers located a silver Audi that matched the description given by AFV1 in the south side of the apartment parking lot in a parking space. Officer J. Ianos observed a person sitting in the front seat of the Audi, but could not see him clearly through the window tint. Officer Ianos told the unknown male to roll down the window. The person rolled down his window. Officer Ianos was able to identify the person as Greely and asked the person his name. Greely identified himself as "Terrance Greely." Greely was told he was under arrest and to place his hands on his head. Greely immediately began reaching for his right pants pocket. Officer Ianos challenged

him stating he knew Greely had a gun and to comply with commands. Greely stated he had a firearm and was trying to give the gun to the officer, stating the gun was in his right pocket.

10. Greely opened the car door and was taken into custody by Officers Vosu and Ianos. Greely was taken into custody and a Glock pistol, model 22, .40 caliber, SN: XXV932 was recovered from his pocket. The pistol had a round chambered and an extended magazine with 18 rounds inside. The pistol additionally had a “Glock Switch” attached to the back of the firearm. Greely requested officers retrieve his “phones” from his vehicle but did not give a specific location inside the vehicle. When Officer Ianos retrieved the phones, he found an additional loaded magazine (14 rounds) in the center console of the vehicle.

11. Greely was read his rights per *Miranda* and responded “yes” when asked if he understood his rights. Greely stated he was given the firearm that day by his cousin Miracel Brown, and that the Glock Switch was not installed when he got it. Greely said he found the switch on the ground downtown by voodoo doughnuts and picked it up. Greely would not admit that he put the Glock Switch on the firearm.

12. Greely was arrested for Domestic Violence Strangulation, Domestic Violence Assault 4, Menacing with a Firearm, Possession of Loaded Weapon within City Limits, Unlawful Possession of Concealed Firearm, Unlawful Possession of Weapon Requiring Federal Registration.

13. [REDACTED]

[REDACTED]

[REDACTED]

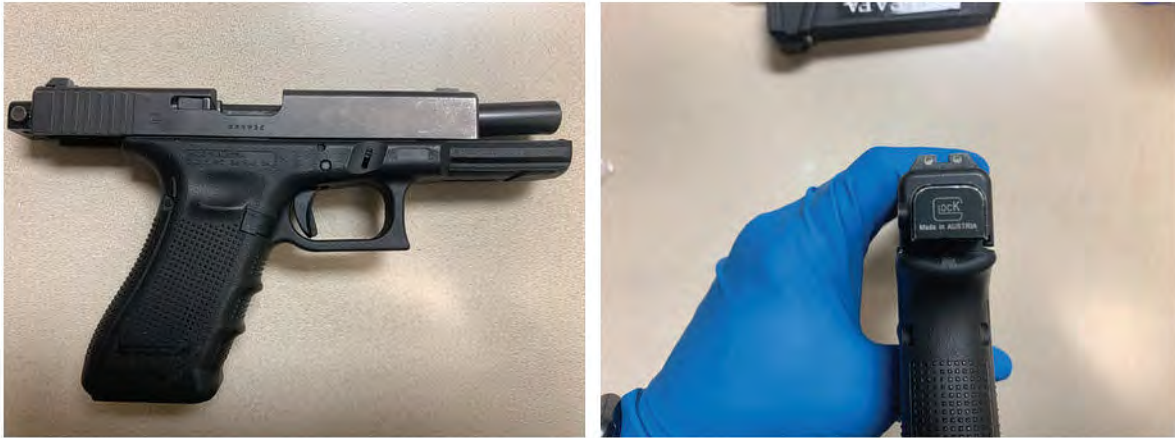
[REDACTED]

¹ I know Adult Female Victim 1’s name and personal identification information. I have withheld her name from this affidavit for her privacy and safety.

[REDACTED]

[REDACTED]

14. I responded to Portland Police Bureau East Precinct to inspect the firearm and preformed a machinegun function field test on it. The Glock Pistol functioned as fully automatic when the Glock Switch was activated.



15. I caused a query of the National Firearms Registration and Transfer Record (NFRTR) for both Greely and the Glock pistol. Greely and the Glock pistol are not registered in the NFRTR.

Conclusion

16. Based on the foregoing, I have probable cause to believe, and I do believe, Terrance Zabeyun Greely possessed an unregistered machinegun in violation of 26 U.S.C. § 5861(d).

17. Prior to being submitted to the Court, this affidavit and accompanying criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Paul Maloney. AUSA Maloney advised me that in his opinion, the affidavit and criminal

complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

18. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the criminal complaint, including the application, this affidavit, and the requested criminal complaint. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of Marlise AFV1. Premature disclosure of the contents of the application, this affidavit, the attachments, and the requested search warrant may adversely affect the integrity of the investigation.

/s/ signed by telephone

In accordance with Fed. R. Crim. P. 4.1

NATHAN MILLER

Special Agent

Bureau of Alcohol, Tobacco

Firearms and Explosives

Subscribed and sworn to by telephone or other reliable means at 3:45 a.m./p.m. in accordance with Fed. R. Crim. P.4.1 this 5th day of September 2021.



THE HONORABLE STACIE F. BECKERMAN
UNITED STATES MAGISTRATE JUDGE